Form 140
(Revised 03/15/02)

Case No. 16970

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions.

NAME: Last	First	Middle I.
SOTSKY	STUART	M

ADDRESS: Street	Apt. # (if any)	City	State	Zip Code
3067 ORDWAY ST NW		WASHINGTON,	DC	20008

Phone No.	Fax No.	E-Mail
202-966-5552	202-966-5552	dcdoc@verizon.net

I hereby request to appear and participate as a party. Signature: [signature] Date: 1/28/03

Will you appear as a(n) ☐ Proponent ☒ Opponent Will you appear through legal counsel ☒ Yes ☐ No

If yes, please enter the name and address of such legal counsel.

NAME: Last	First	Middle I.
Nettler	Richard	

ADDRESS: Street	Ste. # (if any)	City	State	Zip Code
1801 K Street NW	#1201	Washington	DC	20006

Phone No.	Fax No.	E-Mail
202-736-2720	202-223-8624	RBNettler@rkmc.com

Please answer all of the following questions referencing why the above person should be granted party status.
(If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?

See attached

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

See attached – Owner

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)

Approximately 30 ft. – Across the Street

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?

See attached

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.

See attached

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.

See attached

BZA
Case No. 16970
Exhibit No. 83

RECEIVED
D.C. OFFICE OF ZONING
2003 JAN 27 PM 2:55

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.83

Stuart M. Sotsky MD
3067 Ordway Street NW
Washington, DC 20008
(202) 966-5552
dcdoc@verizon.net

January 26, 2003

District of Columbia Office of Zoning
Board of Zoning Adjustment
441 Fourth Street, N. W., Suite 210-S
Washington, D.C. 20001

Re: BZA Application No. 16970
National Child Research Center
3209 Highland Place, N. W.; Square 2072, Lot 30

REQUEST TO APPEAR AS A PARTY

Dear Sir/Madam:

In addition to the attached Form 140, which I have filled out completely, I am providing the following information as stipulated in the District of Columbia Zoning Regulations (11 DCMR Zoning) to support my request for Party Status with respect to Application No. 16970.

- My name is Stuart M. Sotsky MD and my address is 3067 Ordway Street NW, Washington, DC 20008
- I wish to appear as a party in this matter.
- I will appear in opposition to the application.
- I will appear through legal counsel.
- No witnesses will testify on my behalf.
- My written statement setting forth why I should be granted Party Status:

(1). Property Affected and Owned by Stuart M. Sotsky:

I own a single family home at 3067 Ordway Street, N. W., which is immediately across the street from National Child Research Center (NCRC), the entity which has submitted BZA Application No. 16970. I have lived in and owned this house in the historical district of Cleveland Park since 1992 and lived in Northwest Washington in Ward 3 since 1975, previously in North Cleveland Park. While NCRC has been a valuable, esteemed and long-established school in the Cleveland Park neighborhood, historically serving the pre-school needs of the neighborhood children, the current school board and director have re-defined an expansive mission for the institution as a regional model center, primarily serving children outside the neighborhood and exceeding the carrying capacity of this historic neighborhood to absorb the density of people, buildings, traffic and activities without destructive consequences to its unique character.

(2). Legal Interest in Such Property:

As mentioned above, I own the single family residence at 3067 Ordway Street, N. W.

(3). Distance Between My Home and NCRC:

My home at 3067 Ordway Street, N. W. is immediately across the street from the Ordway Street boundary of NCRC, approximately 30 feet away, facing an un-retain hillside of vines and weeds on the NCRC property. It faces directly the rear of the main NCRC building and the bike shed, which they propose to extend with a large, deep two-story addition and a large new maintenance equipment garage.

(4). Likely Environmental, Economic and/or Social Impacts Likely to Effect Dr. Sotsky's Property if BZA Application No. 16970 is Approved:

Scale of Construction: The NCRC proposal would result in the construction of two large institutional buildings with connecting walls and a major northward expansion of the main Victorian residential building, that are out of scale in this residential community and present a massive presence on the streetscape on Ordway Street. One of the buildings would be a garage structure with maintenance equipment and functions that are not currently kept located at the property, directly facing on Ordway Street. The addition to the main house includes an elevator shaft on the east side that is characteristic of an institutional, not residential, building. A substantial proportion of the property will be paved and the percentage of built space will double. Indeed NCRC has admitted that the combined area for the proposed four buildings will total in excess of 19,000 square feet, hardly that of a residential building and out of scale with the surrounding properties. The mass of buildings and particularly the continuous high wall along Ordway Street will block the light and air facing the house. The proposed expansion would affect the residential environment of all the surrounding neighbors on Ordway Street, Highland Street, and 33rd Place and have a substantial impact on Newark and 34th Streets. As the NCRC architect stated in his presentation to the ANC: "Considerable effort has been made to disguise the mass and scope of the project." This is certainly not reassuring to the neighbors.

Damage to Trees and Other Vegetation:

The expansion would also threaten the open green space that was a factor in the original historic designation of this neighborhood because of its natural beauty and the preservation of original forested land on residential property between branches of Rock Creek Park above Rodman Street and below Macomb Street.

Possible Drainage and Other Damage Due to Construction:

Currently the vine and weed covered hillside bounding the Ordway Street side of NCRC has no retaining wall, sidewalk or curb and there have been long-standing problems of erosion and runoff of water and mud onto neighboring properties. Parking of cars at the base of the hill causes further erosion, loosening of large rocks, and irregular indentations into the side of the street. During prior construction on the property several large, old trees were removed. The proposed expansion would dig substantially into the hillside, removing large quantities of dirt, in order to bury the enormous addition to the carriage house partly underground into the hillside. There has been no presentation by NCRC of the environmental safety of such construction, regarding the physical integrity of the landscape or adjacent homes, nor the impact of construction vehicular activity on the adjacent narrow, winding, substandard roads.

Noise:

If NCRC builds a new classroom building and garage and expands the main building, increasing its enrollment and staffing, the noise expectable from such a large institutional facility will increase greatly compared to NCRC's current more residential building. NCRC has recently installed a very noisy air handling system in the main building, whose capacity would have to be increased to accommodate the addition to that building. Additional noisy and unsightly air handling system would have to installed for the new classroom building adjacent to the carriage house. My house is directly across from the new maintenance garage proposed by NCRC. I expect there would be considerably additional noise from the additional equipment housed in the

garage, such as leaf-blowers and s -blowers, as well as additional vehic traffic. NCRC has several sessions during the school day with students, parents and staff coming and going with considerable noise. The school has not adequately represented the degree of noisy neighborhood dissruption cause by various evening meetings, weekend for private parties for school patrons, and the summer school camp program. The expansion of built space with large facility rooms for conferences as a regional center and offices for part-time paid therapists to practice would be expected to add substantially to the noise and density of activity.

Traffic Congestion and Traffic-Related Safety:

Traffic, parking and safety have been an issue in the streets surrounding NCRC for years, have become worse in the recent past, and would be expected to deteriorate further if the proposed expansion of enrollment, staffing, activities and facilities were allowed. The current level and speed of traffic along with the concentration of parkers loading and unloading of children with inadequate staff supervision on a substandard street without adequate curbs, sidewalks, crosswalks or signs represents a dangerous situation. Vehicles often block driveways of double park in the street in front of homes. Property damage to cars, drives, and walls of surrounding neighbors is already a regular occurrence. NCRC has acknowledged in public meetings that more than 90% of the students come from outside the neighborhood, compared the past neighborhood character of this preschool. As a result few children walk to school, most are driven in private cars and there are no school buses. Ordway Street west of Connecticut Avenue has become increasingly an east-west traffic conduit, despite its narrow, winding, hilly character, substandard roadway and absence of sidewalks or curbs adjacent to the school. The efforts of the school administration to address these problems have been inadequate and short-lived. These problems occur not only on weekdays through the school year, but in the evenings for various meetings, on weekend for private parties for school patrons, and during the summer when the school runs a camp program.

Economic impact: I am concerned that if the proposed large-scale expansion of NCRC were to be improved, it would have a significant and adverse effect upon the property value of my home. Currently in a historic residential neighborhood, the home would be considerably less desirable in the real estate market facing a campus of institutional buildings and all the activities with the associated traffic and noise that would ensue. There has already been an adverse economic impact on many of us neighbors in the time and expense that has been required to respond to the aggressive expansion efforts of the NCRC Director and Board with our own preservation, traffic and legal consultants.

(5). Other Relevant Matters:

Rationale for Expansion in Cleveland Park: The NCRC has provided various explanations for their perceived need for expansion of enrollment and facilities, including safety of the children and comfort of the staff, the necessity of which is questionable given that the school has operated in its current facilities comfortably and safely for over seventy years. NCRC currently enrolls approximately 168 students and has 37 staff, but has a certificate of occupancy for only 120. It proposes now to expand by an additional 15 student and 6 staff after vociferous objection in several community meetings to even larger expansion. The impact is even greater since so few students now live in the neighborhood and therefore walk to the school, so that the traffic increase is magnified beyond the simple enrollment numbers. If the current space is too small for the current enrollment and staffing, it is not sensible to increase enrollment and staffing, then nearly double the floor space, and expect that future school boards and directors will not need and wish to further increase enrollment to finance this large expansion. In the process of proposing this expansion, the board and director have heard but apparently only partly listened to the deep concerns and strong objections of the majority of Cleveland Park neighbors, particularly those in the immediate vicinity of the school, that the expansion would have a deleterious effect on this unique historic neighborhood. If NCRC wishes to remain in Cleveland Park, it must accommodate the limits of the historic residential character of the neighborhood. If it feels that expansion of enrollment, staffing and facilities are essential for their desired programs, it should seek a more suitable commercial site on a nain street that can accommodate those desires.

Past Violations of Agreements with BZA and Neighbors: There has been a regrettable pattern of disregard by NCRC of its neighbors and the laws and regulations of the District of Columbia over the years. In 1994 NCRC

proceeded without HPRB approval - appropriate building and licensing permits and without discussion with the neighbors to cut down mature trees, build a new playground, alter the historic carriage house and build a large concrete deck and unsightly chain link fence. Construction noise, dirt and traffic were a burden throughout the summer, including some weekends, and continued until someone obtained a stop work order. At that point the school authorities met to reach some agreement over the work and landscaping with some neighbors. In 1998 NCRC was disingenuous in representing to the Board of Zoning Adjustment and to the neighbors that they had no intention of increasing enrollment or building new facilities. Yet within approximately one year, NCRC began its strategic planning process that within only 4 years violated their own commitment to the neighborhood and the government. While NCRC has presented architectural drawings at several community meetings they have not been fully forthcoming in writing with regard to the dimensions and size of proposed building expansion. BZA should carefully review NCRC compliance with previous agreements with the city and the neighbors, as well as any covenants on the deed to the property, before approving any further development or expansion of enrollment. There certainly should be no agreement to any development which does not contain a firm written covenant that would limit further growth of NCRC since the board and director change and do not appear to act as though they feel bound by the agreements of past school authorities.

(6). How My Interests will be Significantly Affected:

I believe that, given its immediate proximity to NCRC's new campus of buildings, my home will be as severely affected as any other home in the neighborhood. If BZA were to approve the NCRC application, I will be living next to a large complex of institutional buildings, besieged by traffic and noise, instead of living in a quiet residential neighborhood noted for its distinctive historical qualities—a neighborhood listed on the National Register of Historic Places as Cleveland Park Historic District.

Therefore, I believe that I meet the criteria to be granted Party Status with respect to BZA Application No. 16970. I will be attending the hearing scheduled for February 11, 2002.

Sincerely,

Stuart M. Sotsky M.D.

cc: Bruce Beckner
Jane Vanneman